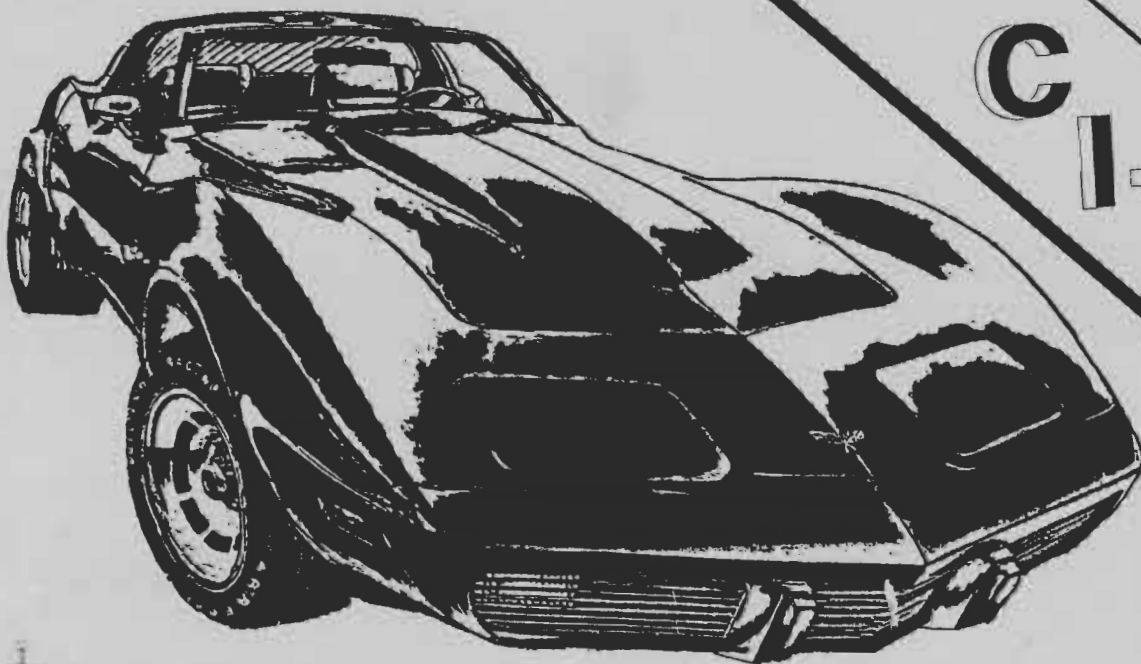
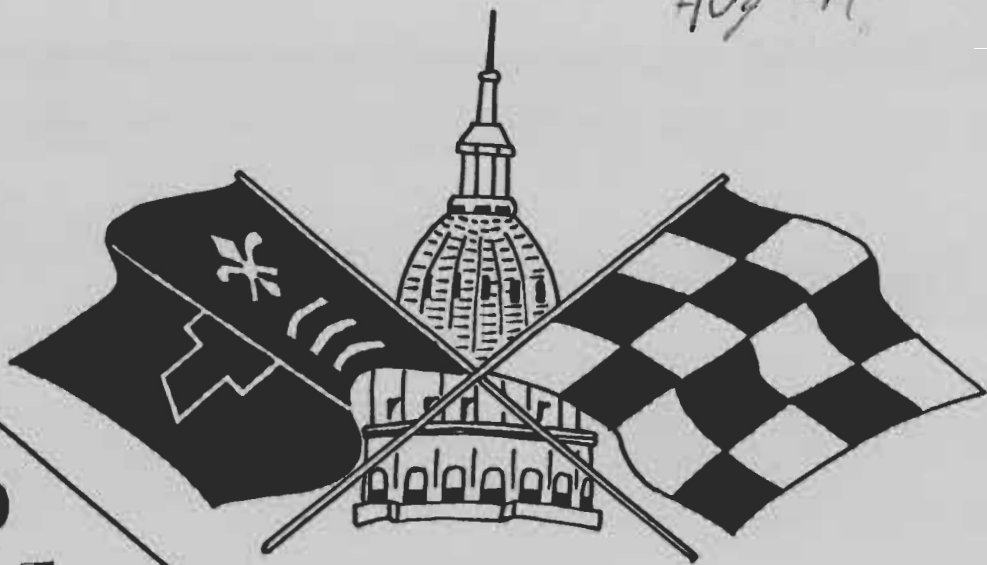


Aug 91

CAPITAL CITY



CORVETTE CLUB NEWS

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CAPITAL CITY CORVETTE CLUB

Published monthly in an effort to help keep our membership informed of what is happening in our club and other area clubs.

Volume XXVI

Number 7

August 1991

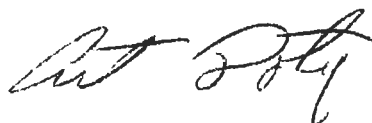
Officers

President	Sandi Carpenter	1-516-763-9953
Competition	Art Doty	321-5708
Social	Tammy Spinnrad	372-4380
Membership	Joe Platte	393-7331
Secretary	Linda Riel	482-7451
Treasurer	Mike Walsh	485-4618
Governor	Pat Spinnrad	374-7459
Points	Penny Myers	1-517-546-7231
Public Relations	Jim Myers	1-517-546-7231
Editor	Marty Riel	482-7451

Future meetings will be held at the Union Hall on Clare Street.
On the first and third wednesday of each month. 7:30 PM sharp.

Howdy ;

August's events are all speed except for Flint's Concours on the 11th , see the flyer for details . If you are thinking of trying your hand at Autocrossing or a Matching Times event , time is running out fast , Labor Day will see the last 3 low speed events of this season in the Michigan Region . During Convention Nancy and I attended the Governors meeting where the Helmet standards were raised to " Snell 85 " (no letters required) . Dennis Patrick (VF Competition) reported that in settling protests that arose at convention . 1. no Midas mufflers on I E cars (the book says " Aftermarket mufflers in original location on under car systems .") . 2. Flowmaster mufflers are legal in group I A thru I D ., this has been a long time coming as outside exhausts have been allowed for a long time . Our protests against the concourse changes seems to have been ignored , The new rules will be as proposed early this year .



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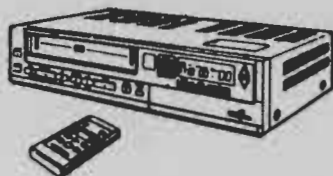
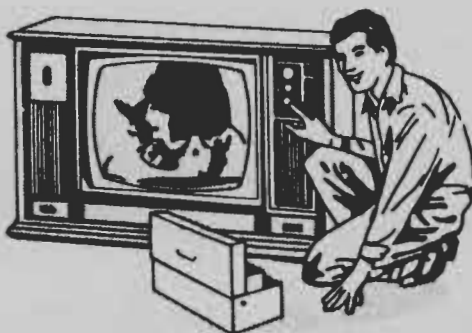
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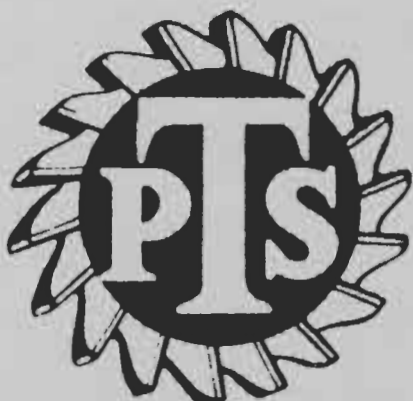


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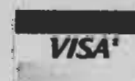


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FROM THE EDITOR'S MESS

Welcome to another episode of who is coming to newsletter this month. I would like to take this opportunity to thank Art Doty for showing up at the last scheduled newsletter on June 26th. However, Art was the only sole that attended that night, so I made the decision not to do the newsletter that night. A few days after my decision my wife Linda received a phone call from Tammy Spinrad at 11:30 at night, bitching about the newsletter not being done when it was scheduled.

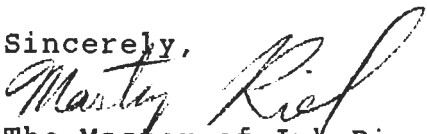
First of all my wife is not the Editor, I am, so don't bitch to her about what I do. Second of all don't call me or my wife about anything at 11:30 at night. Last of all if you don't like the way I run the newsletter, then talk to the Board or the President about removing me from my Office. If you still don't like it - tough!

The newsletter was assembled at the general membership meeting which was on July 4th at Dave Cripes house and then mailed on July 5th. The only complaints I received was from Tammy Spinrad because we could not receive points for the parade due to lack of notification (The newsletter was not mailed on time).

I unfortunately have no sympathy for Tammy's complaint because I will run the newsletter if only two people show up at newsletter. When only one person showed up, I figured nobody gives a damn so the newsletter will be done at the next meeting on July 4th.

At the Party/General Membership/Newsletter at Dave Cripes house one person was complaining about the newsletter to all the people at attendance and not directly to me. I don't mind people complaining about things, we all complain about something some time, however the Club does not need one person to stir up a bunch of crap about nothing to everybody. That person knows who he/she is so Get off your high horse! You are know different than the rest of us.

Sincerely,



The Master of Ink Disasters
Marty Riel

AUG 3 & 4 (SAT & SUN)

CCCC Speed events at Owosso Speedway. See flier or contact Art Doty for more information.

AUG 3 (Sat)

Downtown Jackson Auto Show-Off. 10 am - 6 pm. 200 Block of Mich. Ave Near Jackson St. WIBM will have the '57 Chevy Give-Away car there. No entry fee.

AUG 3 & 4 (Sat & Sun)

Red Barns Spectacular. 9-5. Gilmore CCA Museum. 6865 Hickory Rd., Hickory Corners, MI. Car Show, Swap Meet, Arts & Crafts. Info Stan 616-375-3669.

AUG 3-5

Vettes On The Rockies. Summit Cty Holiday Inn, Frisco, Colorado. Info Fred 303-989-0946.

AUG 7 (WED)

CCCC Meeting at the 652 Union Hall at 7:30 p.m. and adjourning to EMIL'S West on W. Saginaw, west of the Lansing Mall.

AUG 9 & 10 (SAT & SUN)

Cooper Chev-Olds. 1606 E, Main S., Eaton Rapids, MI. Car Show & Dance. Sea Cruisers band & Fireworks on Sat eve.

AUG 9-18 (FRI-SUN)

MSU Michigan Festival!!!

AUG 10 ^{SAT} (SUN)

Christmas in August PARTY ! At Matt & Maryann Tillson's house. See flier for more info.

AUG 16-18

ELVIS Memorial Run- Vicksburg. Info 616-327-9817.

AUG 17 (SAT)

Car Show & Swap Meet at Andrews Chevrolet in Mason. 711 N. Cedar St. 10 a.m. - 4 p.m. Door Prizes, Awards.

AUG 17 (SAT)

Car Show at Burger King. Downtown, Corner of Cedar & Saginaw, Lansing, MI. rian Date Aug 18.

AUG 23-25 (fri-sun)

Eaton Cty Cruisin Classics Show & Dance. 616-964-2935.

AUG 24& 25 (SAT & SUN)

Jackson Corvette Club Speed events at Spartan Speedway.
See Flier or Call Art Doty for more Info.

AUG 24 (SAT)

Corvette Crossroads Auto Show 10 am - 4 pm. On the Old
State Ferry Dock. South Huron Ave, Mackinaw City, MI. Info
616-436-5574.

AUG 21 (WED)

➤ Mini golf at W.Saginaw Funland and then to Chi Chi's for
Food and the remainder of Chevy Night!

Aug 24 (SAT)

50's Night at Hobie's on Jolly Rd. Corner of Jolly & Cedar.

AUG 24 & 25

Classy Chassis. Car Show at Ionia Free Fairgrounds. 9am -
4pm. Info 616-527-3792.

AUG 28 (WED)

Newsletter put together at Riel's. 1604 Barritt. All help is
welcome. Anyone wishing to put an article in may do so. Just
talk to your friendly editor and he will guide you!

SEPT 2 (FRI)

Lansing Riverfest Autoshow. At the RE Olds Museum. 240
Museum Dr., Lansing, MI.

For information on any of these events look for flyers in this
newsletter OR call Tammy Spinrad at 372-4380.

!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!!HAPPY BIRTHDAY TO YOU!!!!!!!!!!!!!!!!!!!!!!!!!!!!

Happy Birthday to any one who has a birthday in August!

!!!!!!!!!!!!!!!!!! HAVE YOU HUGGED YOUR CORVETTE TODAY !!!!!!!!!!!!!!!!!!!

July sure seemed like a hectic month! We participated in
Parades and had a great day for the pool party. Some members
went to the National Convention and there was Corvette Night at
Chi Chi's. I had the experience of attending the OLDS NATIONALS
in St. Louis, MO for a few days. I am looking forward to seeing
everyone attend this months events as the year is coming to an
end quickly! OH NO!!! I'm not ready for this cool weather yet!
Well I expect to see everyone real soon. Save the Wave!

Tammy Spinrad

NCCC CONVENTION
CHARLOTTE, N.C.
JULY 1991

Steve and I attended this year's National Council of Corvette Club's Convention in Charlotte, N.C. and it was great. If you have never attended one I strongly suggest you do there is something for everyone and a great time for all!

People started arriving over the weekend, but competition events did not start until Monday. For those of you who have never attended there are events every day; high speed, low speed, concouring, wash and shine, drag racing, funkanas, and rallys. Then there is a party with entertainment and door prizes every night.

As a participant you can participate in any or all events, Steve and I participated in the drag event and won 1st place for our classes. This was no easy accomplishment as the track was in extremely bad condition and Steve tried to redesign the car with the cement wall that hugged one of the lanes. Not only was the track in terrible shape but it rained most of the day.

We had to leave the hotel by 5:30 a.m. to make it to the drag strip by 8:00 a.m., then it rained until 11:00 a.m. and we couldn't start racing until 1:00 p.m. Then it was raining by 4:00 p.m. again. We were able to run our classes, but there wasn't time for eliminations or back up runs for anyone that was close or under the record. Nothing like travelling 750 miles to be rained on!

Art and Nancy Doty also attended the convention and they appeared to be having as much fun as we were.

Michigan had a reasonable turnout in comparison to other regions. We had members from Royals, Jackson, Shiawasee, Corvette Club of Michigan, and Capital City in attendance. Texas was really represented extremely well.

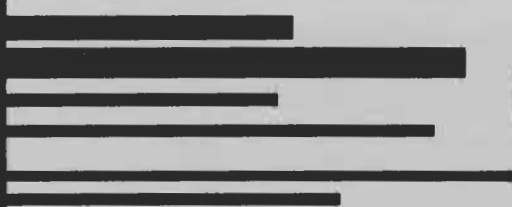
Debbie Corbin was awarded a trophy for placing 6th in over all points nationally. We were very proud of Debbie and her accomplishment and it was great to be there when they presented her with the trophy at the banquet.

The last day of the convention was spent at the hotel. The awards ceremony took most of the afternoon and if I thought I was nervous at the drag strip you should have seen me at the awards presentation. As Art told me, winning at competition is one thing but being presented with the trophy at the awards presentation is like winning all over again. Michigan had several winners for various events, in fact J.R. Biksacky from the Royals won so many clocks (this year's trophy) we thought he should open his own shop.

No one from Michigan won either car, but all of us were prepared just in case. In fact, Kathy Powell from the Royals tried to coordinate her dress for the banquet with the color of the car so she wouldn't clash when she won. What optimism!

Next year's convention is in Texas, and 1993 will be in Topeka Kansas, hopefully, it will be right here in Lansing in 1994.

Loretta Ames



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CORVETTE NOSTALGIA NIGHT
JULY 6, 1991

We would like to thank everyone who helped make our event a success. For those of you that did not attend, you missed a great party.

We had over 200 people in attendance, with approximately 50 cars entered in the car show, and five prospective new members.

We had a great facility at which to hold our event. Steve Hanks and the staff at Holt Auto Sales were great to us. They moved all their cars so we could have as much room as possible. They made sure everything was in tip top shape and even helped us set up. Steve is already looking forward to next year.

Trophies were awarded for 1st and 2nd place and voting was done by donation. First place was won by Dale Williams of Ypsilanti with his 1982 Corvette. Second place went to our very own Joe Platte with his 1975 yellow coupe (with luggage rack).

Ron Isenhath provided the music and if we had one complaint, it was no one would dance. Ron did a fine job and we had plenty of room, but no takers.

In addition to the music we had videos of club events to share with everyone thanks to Dave Cripe and Steve Sewell. You did a great job guys! The large 50" TV used to show these videos was donated by Tom Beckner (TV Tom). We really appreciated his generosity. Not only did he loan us the TV he also loaned us the trailer to haul the TV, you can't ask for much more than that.

We had fun selling raffle tickets and the door prizes were fantastic. We had excellent response from vendors in contributing door prizes. We had T-shirts, Sweatshirts, gift certificates, model corvette toys, key chains, posters, and magazine subscriptions.

Last, but not least, the food table. We had hot dogs, ice cream, pop corn, and pop. A special thanks to Al Cripe for his help with the pop corn.

We would like to thank the members that came out to help, Dave and Pat Cripe, Tammy Spinrad and Bob Reeves, Penny Myers, Scott Ferris, Joe (and Joey) Platte, Steve Sewell, Matt and Maryanne Tillson, and Mike Walsh. These people helped make our event a success!

We hope to have our a 2nd Annual Corvette Night next year, perhaps a weekend other than the 4th of July and a rallye, concourse, or tour might be added to enhance the event.

See you next year!!!!

Loretta Ames

Steve Spinrad

CCCC MEMBERSHIP MEETING
July 24, 1991

Meeting was called to order at 8:40 p.m. by Art Doty at ChiChi's restaurant on W. Saginaw.

Secretary - Absent, minutes will be in newsletter.

Treasurer - Absent, no report

Membership - Absent, no report

Editor - Absent, no report. Participation in the newsletter put together has been very poor, and everyone is encouraged to participate if possible. Marty is doing an excellent job and we don't want him to become discouraged. The newsletter is usually the last Wednesday of the month at Marty and Linda Riel's home.

Governor - Absent, no report

Points - Point standings were read. Penny requested all points be turned into her as soon as possible after each event. She is still missing point reports for the rallye, parades, and the July 4th party.

Public Relations - Jim said he is still trying to get a refund from the Detroit News in excess of \$200 for advertising from the April Swap Meet.

Competition - Art Doty presented trophies to:

Nancy Doty - 1st place, Bracket Drags, May 18, 1991
 1st place, Group IID, Kalamazoo, May 27, 1991
Art Doty - 1st place, Group IID, Kalamazoo, May 27, 1991
Steve Spinrad - 1st place, Bracket Drags, May 18, 1991
 1st place, Group IIIA, Kalamazoo, May 27, 1991
Loretta Ames - 1st place, Group IIIA, Kalamazoo, May 27, 1991
 Congratulations to all !!!

Social - There will be a car show in Rawsonville, Michigan on August 11, 1991 for anyone that may be interested. See enclosed flier.

Matt and Maryanne Tillson will be hosting the Christmas in August party at their home on August 11, 1991. Maryanne will be putting together a flier with the pertinent details.

Old Business - Loretta presented a report of the July 6, Corvette Nostalgia Night Event. It was quite successful. Over 200 people attended and there were 50 cars entered in the car show. Dave Cripe had an excellent idea for next year's event. Club tables and banners so that all clubs in the area that wanted to participate could and hopefully recruit members from their part of the state.

New Business - We would like to thank those of you who brought your cars out for the Corvette night at ChiChi's. We had 8 spaces reserved for the club and I believe 4 cars were present. (Matt and Maryanne Tillson, Bob Nowicki, Jim and Penny Myers, and Steve Spinrad and Loretta Ames).

The meeting was adjourned at 9:00 p.m.

August 31, September 1 & 2, 1991

LABOR DAY CLASSIC

9 EVENT WEEKEND

8/31 MI 062 Low Speed
MI 063 Low Speed
MI 039 M T T

9/1 MI 065 Low Speed
MI 066 Low Speed
MI 038 Low Speed

9/2 MI 068 Low Speed
MI 069 Low Speed
MI 036 Low Speed



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Drivers Meeting: 9:50 AM

F.C.O. 10:00 AM

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\$ 20.00 Per Day

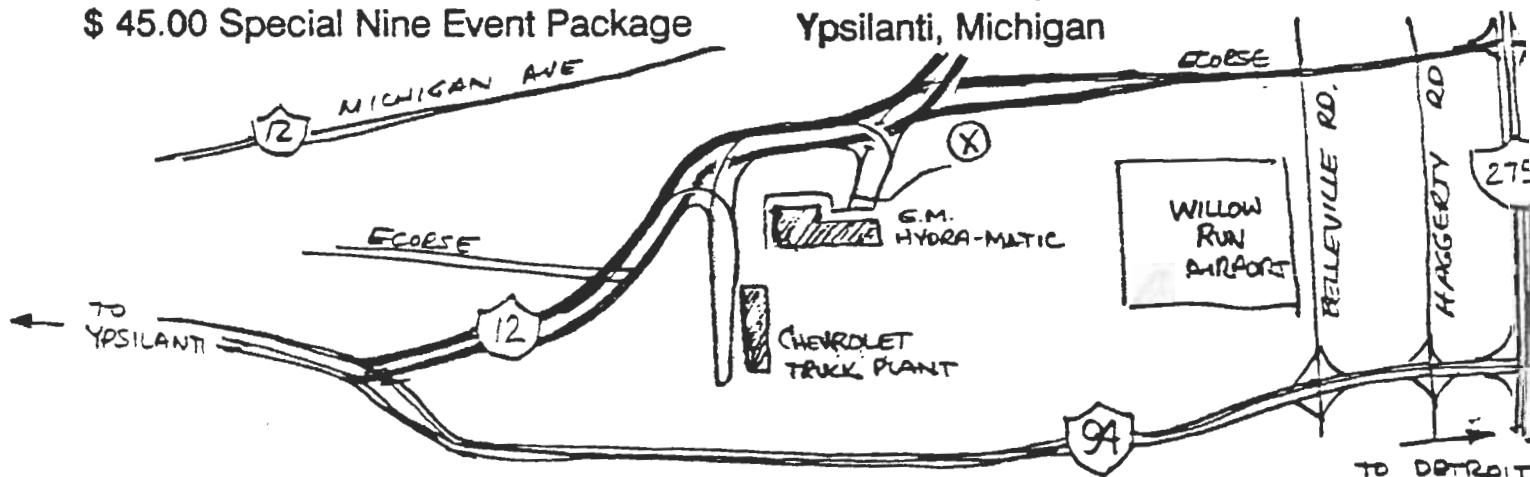
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313-675-5633

Event Chairman

Gordon McCann

313-465-3060

HVCC Competition Director

Jeff Wixom

313-437-9727

Pre Registration Til Aug. 15, 1991

Gordon McCann

13581 Westbrook

Plymouth, Michigan 48170



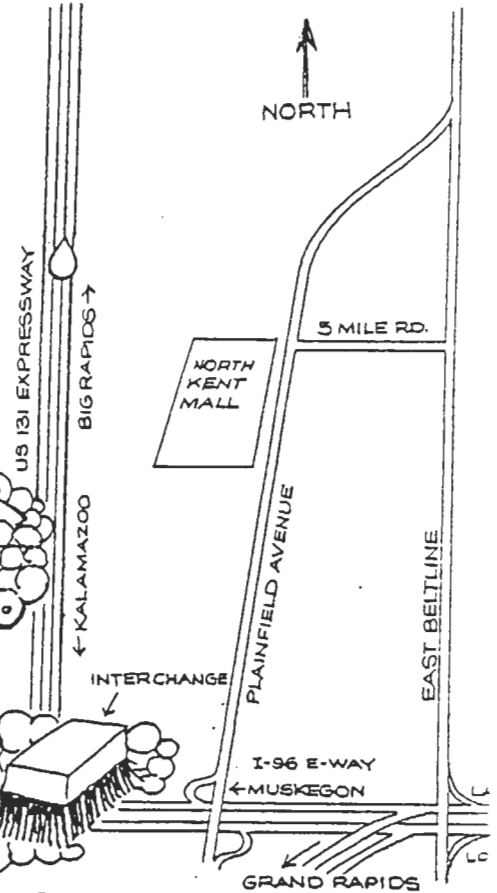
Swim Party Saturday Night

BYOB / Potluck

Hotel Information on Reverse Side of Flyer.

**MICHIGAN REGION
SANCTION #M-024**

**NCCC \$8.00
NON NCCC \$10.00**



PRESENTS...

Concours

WASH & RAFFLE MALL SHOW

DATE: SUNDAY, SEPTEMBER 8, 1991
TIME: REGISTRATION 12:00 NOON - 2:30
DRIVERS MEETING: 2:45
STARTING TIME: 3:00

CHAIRMAN:
MIKE CAREY
4125 LARKWOOD S.E.
KENTWOOD, MI. 49508
PHONE 616-455-2073

Co-Chairmen:
Mike Burkhardt
2350 Glen Echo S.E.
Grand Rapids, Michigan
49506
(616) 942-5283

GOVERNOR:
KEVIN SMITH
520 LINCOLN LK. RD.
LOWELL, MI. 49331
PHONE-616-897-9947

SANCTION NO. M-091 M-092 M-093

DATE AUGUST 24, 1991

LOCATION MICHIGAN IDEAL SPEEDWAY
SPRINGPORT, MI

REGISTRATION: OPENS 8:00 A.M.

CLOSES 9:00 A.M.

DRIVER'S MEETING 9:30 A.M.

COST: NCCC \$5.00

NON-NCCC \$7.00

WEEKEND PACKAGE - 4 SPEED EVENTS & 2 MTT

\$40.00 - NCCC

\$50.00 - NON-NCCC

TYPE OF EVENT MATCHING TIME TRIAL

CLUB JACKSON CORVETTE CLUB

REGION MICHIGAN

EXHAUST CLOSED

F.C.O. 9:30 A.M.

POTLUCK AFTER SATURDAY'S EVENT

BREAKFAST AT TRACK ON SUNDAY

MICH
IDEAL
SPEEDWAY

30 MI. RD.
ROYSTON RD

PETERS RD

HOLIBAUGH

M-99

VILLAGE
OF SPRINGPORT

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8 MI.

I 94

EXIT
124

LANSING

US 127 N

EXIT
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JACKSON

DETROIT

CHAIRPERSON

NAME: DEB CORBIN

ADDRESS 7410 E. MICHIGAN

JACKSON, MI 49201

TELEPHONE 517-764-4176

ALBION

GOVERNOR

NAME: Susan Butters

ADDRESS 7410 E. Michigan

Jackson, MI 49201

TELEPHONE 517-764-4176

SANCTION NO. M-094 -095 -096

DATE AUGUST 25, 1991

LOCATION SPARTAN SPEEDWAY
MASON, MICHIGAN

REGISTRATION: OPENS 10:00 A.M.

CLOSES 11:15 A.M.

DRIVER'S MEETING 11:30 A.M.

COST: NCCC \$10.00

NON-NCCC \$12.00

TYPE OF EVENT LOW SPEED

CLUB JACKSON CORVETTE CLUB

REGION MICHIGAN

EXHAUST CLOSED

F.C.O. NOON

POTLUCK AFTER SATURDAY'S EVENT

BREAKFAST AT TRACK ON SUNDAY

WEEKEND PACKAGE - 4 SPEED EVENTS & 2 MTT

\$40.00 - NCCC
\$50.00 - NON-NCCC

GRAND
RAPIDS



CHAIRPERSON

NAME: ANN DAVIS

ADDRESS: 5500 HOUSTON

EATON RAPIDS, MI 48827

TELEPHONE 517-663-3284

GOVERNOR

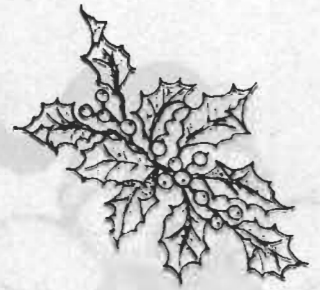
NAME: Susan Butters

ADDRESS 7410 E. Michigan

Jackson, MI 49201

TELEPHONE 517-764-4176

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August 10, 1991

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FOR SANTA TO GIVE OUT!!!

(Directions on reverse side)

Merry Christmas, Good Friends!

PLEASE RSVP MATT OR MARYANN TILLSON -- 517-349-6769

HO HO HO! HO HO HO! HO HO HO! HO HO HO! HO HO HO! HO HO HO! HO HO HO!



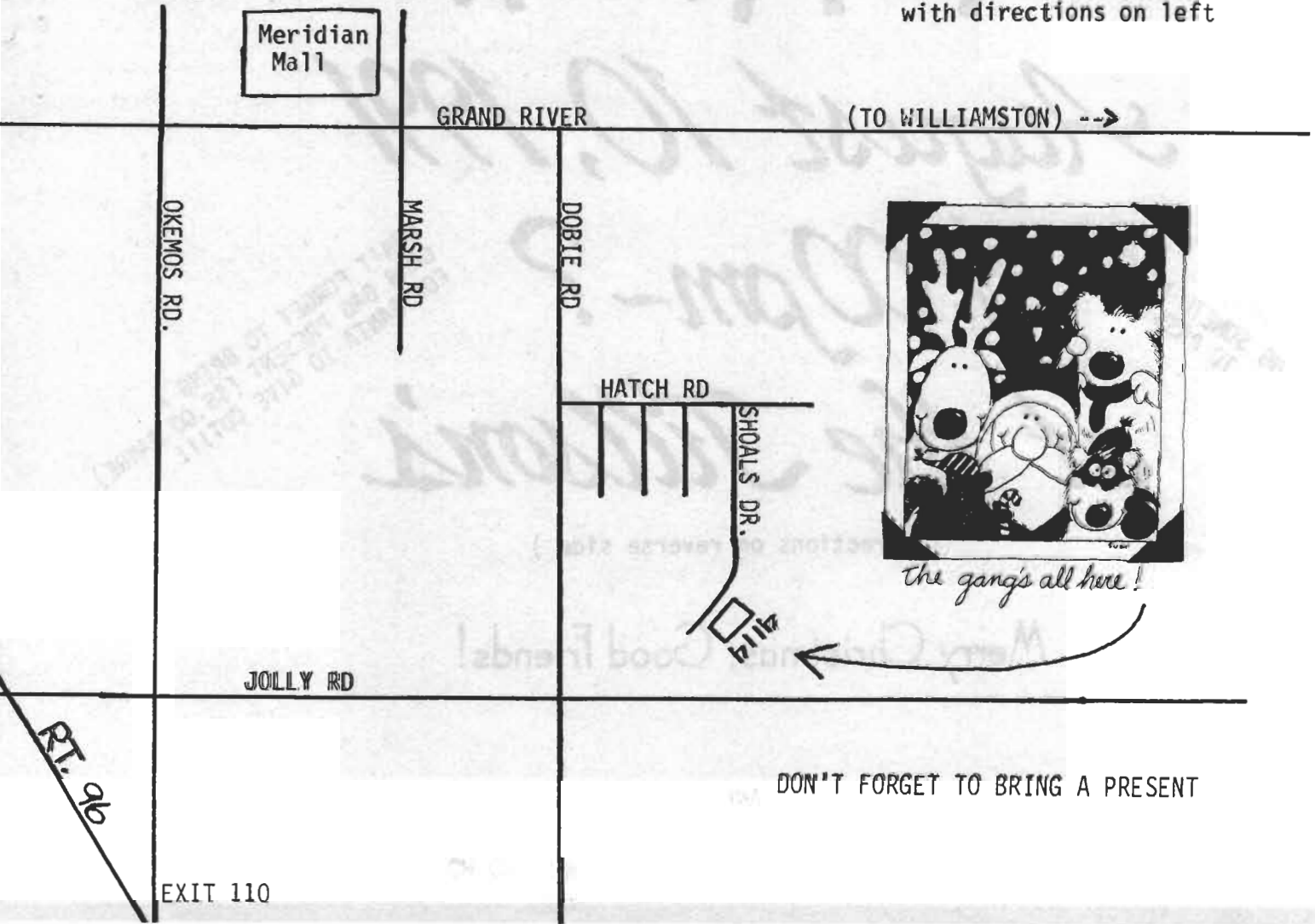
*Wishing you
every happiness
for the holiday season
and throughout
the coming year*



DIRECTIONS TO THE TILLSONS' --- 4114 SHOALS DRIVE, OKEMOS

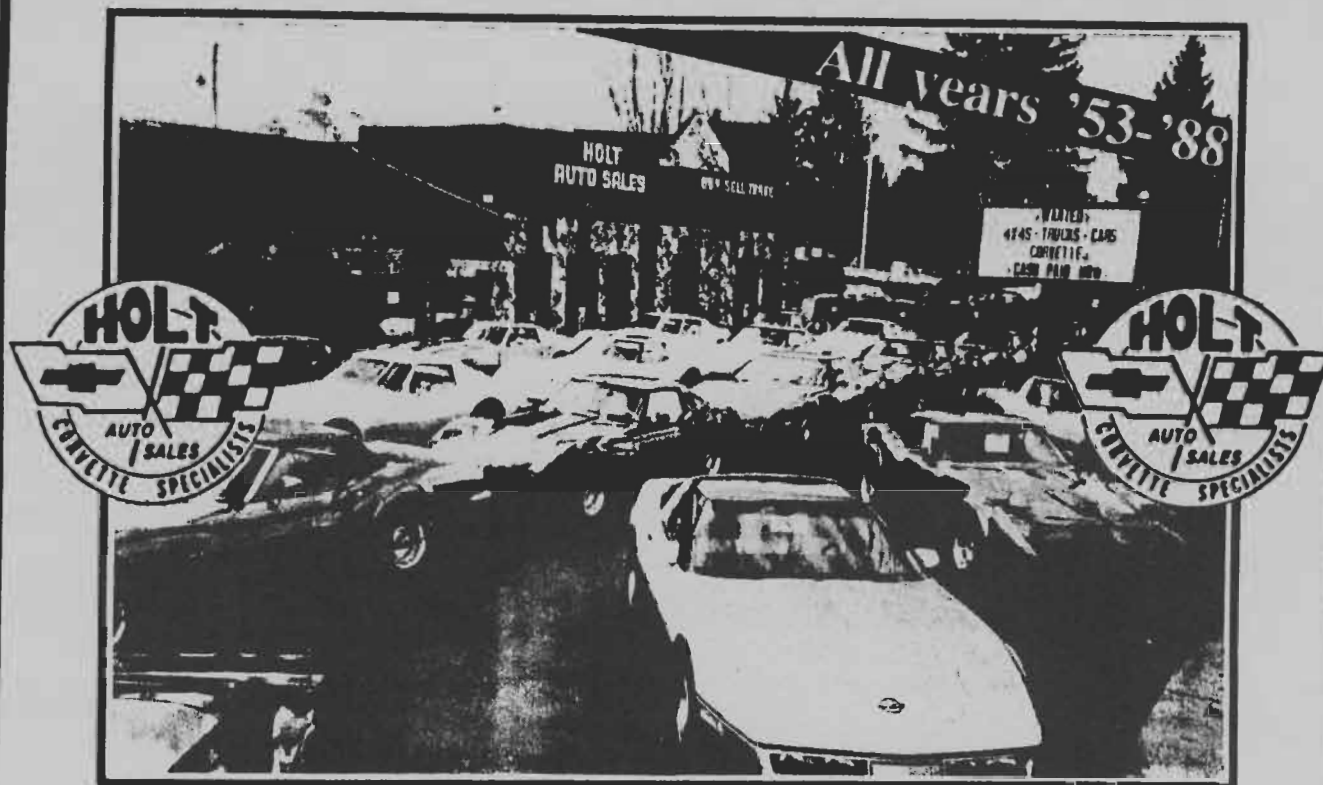
Grand River east past Meridian Mall
Right onto Dobie - go about 3/4 mile
Left onto Hatch at blinker light
Right onto Shoals (4th right from Hatch)
About 1/2 mile down Shoals
Grey house with fieldstone
Probably the only one with Christmas decorations

From 496/96:
Take Exit 110 off Rt. 96
Go Left onto Okemos Rd.
Go Right onto Jolly
Go Left onto Dobie
Go Right onto Hatch
Continue from "Right onto Shoals"
with directions on left



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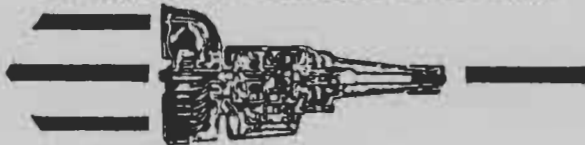
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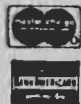
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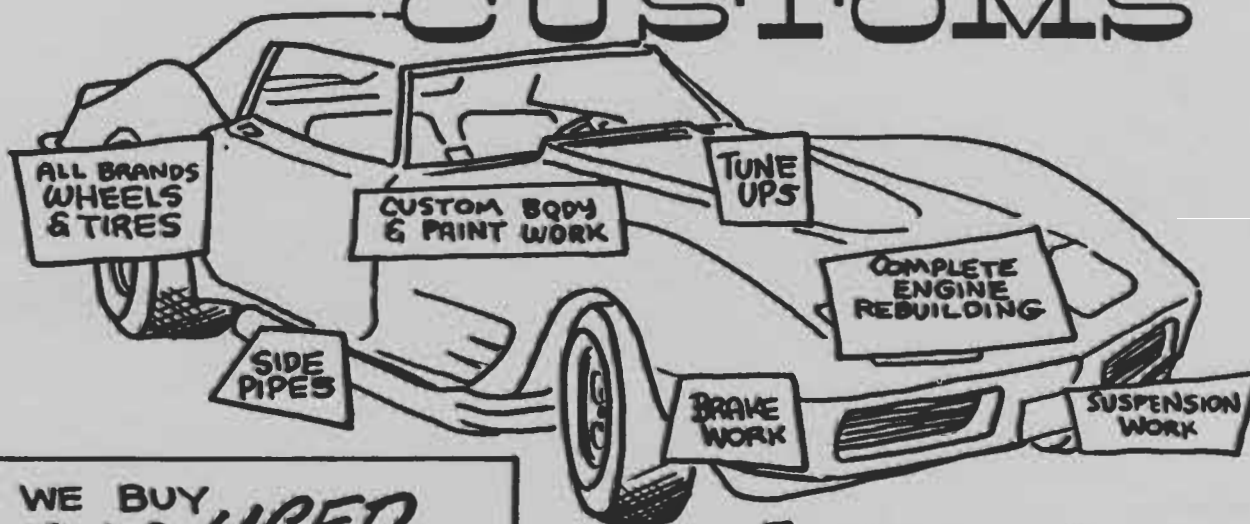
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AUGUST 11, 1991

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ENTRANTS MTG. 11:30A.M.

JUDGING 12 NOON

CONCOURS

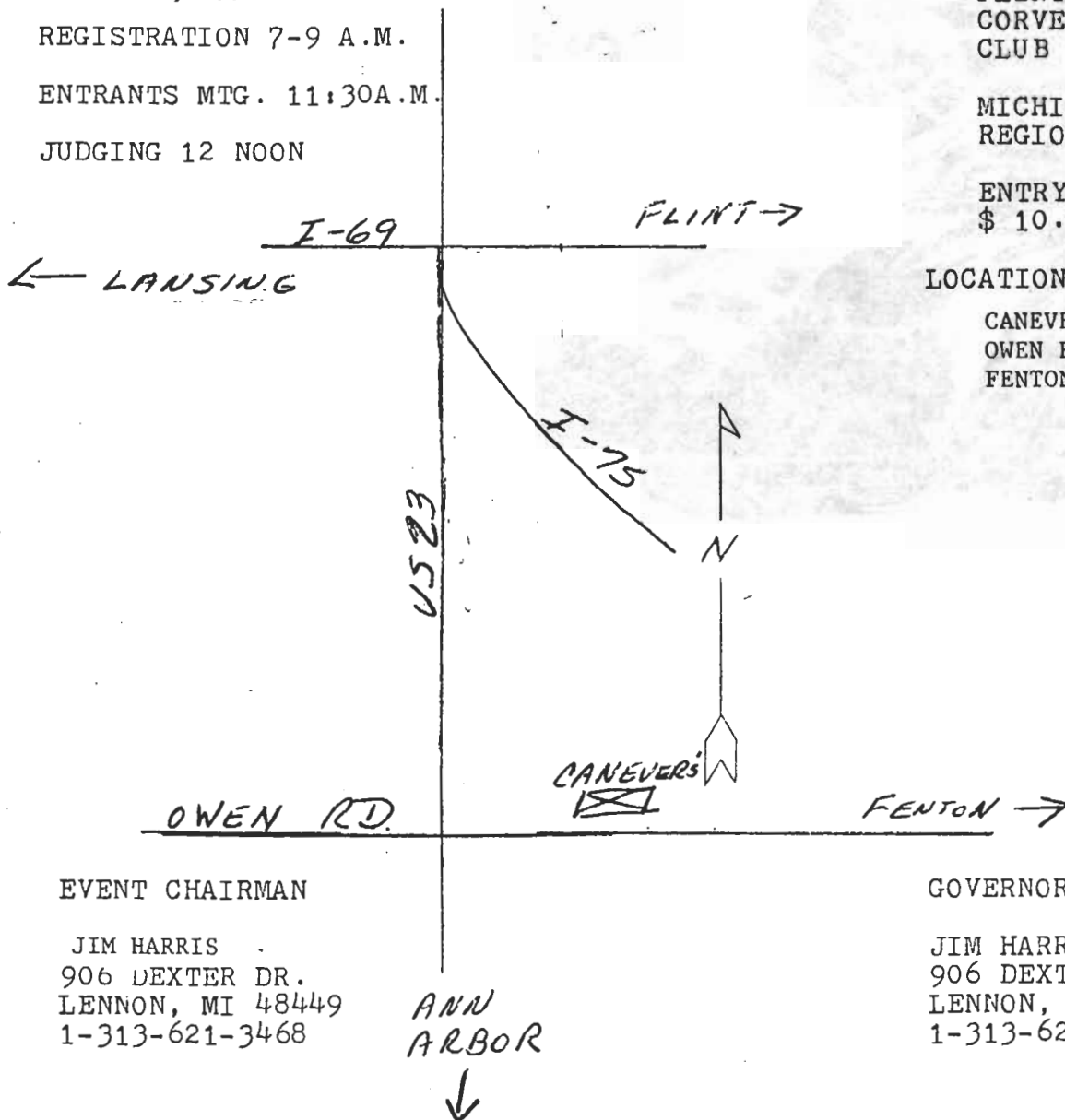
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CLUB NOCC NO M-003

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"Stated Value" Automobile Insurance

(It's not what you think it is!)

Editor's Note: *If you own a classic or antique car, then this article is must reading.*

CENTREVILLE, VIRGINIA, June 25, 1990 — Instead of purchasing a standard indemnity insurance policy for your classic or antique car, did you decide to pay an additional premium and purchase a stated value policy? Anything to prevent having to hassle with the claims people. Right? After all, your agent said they would pay the stated amount in the event of a total loss. Right? **WRONG! WRONG! WRONG!** If any of this sounds familiar you may have been misled by one of the most widespread misconceptions that exists today in the automobile insurance industry.

Background

In 1985 Mr. J. Bradley Flippin of Centreville, Virginia, purchased a \$3,000 stated value policy from Nationwide for his 1965 Mustang Coupe. Just to be sure there was no misunderstanding, he asked the agent to be very specific as to how a claim would be handled in the event of a total loss. The agent reassured him he would receive the stated value amount in the event of a total loss. *"You mean if I have a total loss they will write me a check for \$3,000?"* Mr. Flippin asked. *"Well, not exactly,"* replied the agent. *"You will have to prove you have that much in the car. Then, yes, they will pay the \$3,000. I recommend, however, you keep all your receipts and be ready to submit them if the need ever arises."* That seemed fair enough. Mr. Flippin was required to bring the car by the agent's office so he could inspect it and photograph it for the file. Mr. Flippin paid about \$205 for six months of basic coverage, including the \$3,000 stated value declaration (A standard indemnity policy on the same car would have cost only about \$175).

Claim Time

On July 29, 1989 Mr. Flippin neglected to watch the green left turn light at an intersection and turned directly in the path of an oncoming car. The impact was so great his head shattered the passenger's side window. (Moral: Wear your seat belts.) The claims adjuster declared the car a total loss, so Mr. Flippin sent him a copy of all the receipts for the restoration work, which to date had totaled about \$5,500. The adjuster said he was willing to settle for \$900. *"Nine hundred dollars!"* exclaimed Mr. Flippin. *"What happened to the \$3,000 stated value for which I have been paying additional premiums?"* *"Oh, I don't know anything about that. I only settle the claims. You will have to talk to someone else about that,"* was his reply. But he did say he would be willing to consider any other information that might be provided to him. *"If I can get an appraisal showing the car was worth \$3,000, would that be enough?"* The agent replied with, *"Well, we will certainly take it into consideration."* He was about as non-committal as one could be.

Research

At this point Mr. Flippin decided to do some research. He began by reading his policy, which nobody ever reads. (Have you read yours?) The basic policy said Nationwide would pay *"...the actual cash value of the property...at time of loss..."* (This is the way all standard indemnity policies read.) Nationwide's Virginia Endorsement 2004 (Stated Amount

Insurance) replaced the wording in the "Limit of Liability" section with words saying they would pay the lesser of *"...the stated amount in the declaration or the actual cash value of the stolen or damaged property..."* The words *at time of loss* were not there. They had been dropped. This appeared to be reasonable because the value of the car had been agreed to in advance. Thus, the value of the property *at the time of loss* was really not an issue (or so he thought).

The Nationwide claims adjuster, and Nationwide itself, would have nothing to do with that interpretation. Although no one could explain why the words were missing, Nationwide maintained that it really did not matter. Their position was simple: Nowhere in the contract (policy) did it state Nationwide would pay the stated amount in the event of a total loss. Mr. Flippin considered this wording to be ambiguous and, although the claims adjuster agreed, he would not change his position.

Stated Amount

Additional research revealed there are, in fact, two types of stated policies. One is a stated amount policy in which the premium is based on an amount stated by the insured. Losses, however, are still based on the actual cash value (ACV) of the property at the time of loss, but not to exceed the stated amount. To pay the stated amount automatically would create a moral hazard in that policy holders could overvalue their cars, thus making a profit. This is contrary to the basic principle of indemnity which is to restore a person to the position they were in before the loss. (Mr. Flippin contends, however, Nationwide effectively removed the moral hazard by having their agent inspect the car prior to issuing the policy.)

Stated Value

The other is a stated value policy, which is a true *valued* type of policy where both parties agree, in advance, as to the value of the property. In the event of a total loss, the company will pay the full face value of the policy. It turns out this is an Inland Marine type of policy generally used with works of art, boats and other marine equipment. There are a few companies, however, that do offer it as an automobile policy. This difference may be the reason for the wide misconceptions about stated value policies. Mr. Flippin asked eleven different Nationwide agents how the company would settle a stated value policy. None of them corrected him by saying they were actually stated amount policies, five of them said the company would pay the full stated amount and five of them did not know. Only one actually knew the company would not pay the stated amount in the event of a total loss. He said he chose not to sell that type of policy because the insured pays an additional premium and receives no additional protection. In fact, the insured receives less protection. The standard indemnity policy pays the ACV at the time of the loss with no limit on the company's liability. The stated amount policy still pays the ACV at the time of the loss, but the company's liability is limited to the stated amount. For example: Assume a car has an ACV at time of loss of \$10,000. For an \$8,000 stated amount policy, the company would only

pay \$8,000, where they would pay the full \$10,000 under a standard indemnity policy. The insured pays an additional premium for the "privilege" of limiting the insurance company's liability.

Suit Filed

Discussions with various levels of Nationwide were of no avail. The Nationwide claim adjustor's supervisor finally said, "There is no way I am going to pay \$3,000 for that car unless directed to do so by my superiors or a judge." So, on October 13, 1989 Mr. Flippin filed suit in the General District Court of Fairfax County for \$7,000 (\$3,000 for the car plus \$4,000 punitive damages). The case was heard on February 15, 1990. He represented himself and did not do too well. The judge awarded him only \$1,500, which was the low value listed in the current CPI (Cars of Particular Interest) guide and dismissed the punitive damages portion of the case. He, unfortunately, based his opinion on the value of the car at the time of loss. As a result, Mr. Flippin appealed the case to the Circuit Court of Fairfax County in an effort to confirm, in a court of record, his allegations the policy is ambiguous and Nationwide practiced constructive fraud by saying the policy would do one thing but settling it differently. A procedural error (combining both allegations into the same case) prevented Mr. Flippin from successfully pursuing the fraud portion of the case. As a result, Nationwide agreed to settle the property damage portion out of court for the full \$3,000 on June 18, 1990. Unfortunately, it was a shallow victory because the case was not decided on its legal merits. It was a case of simply wearing down Nationwide until they were willing to settle just to close out the claim, showing that plain old tenacity sometimes pays off.

Legal Precedence

There is legal precedence for both of these positions. With respect to ambiguity (a breach of contract), they are always decided against the drafter. In addition, there is the doctrine of reasonable expectation. The courts interpret an insurance policy to mean what a reasonable buyer would expect it to mean, even though the actual words may say something else. The Virginia Supreme Court has held as far back as 1887 that ambiguities are to be decided in favor of the insured (more recently *St. Paul Ins. v. Nusbaum & Co.*, 227 Va. 407). As for the constructive fraud portion (a tort), the Virginia Supreme Court has clearly defined the five elements that constitute constructive fraud in *Nationwide Ins. Co. v. Patterson* 229 Va. 627. In addition, punitive damages usually cannot be found in a breach of contract "...unless there is an independent and willful tort..." in which case a joinder is permitted (*Kalmer Corp. v. Haley*, 224 Va. 699 and the Code of Virginia §8.01-272).

Advice To Other Owners

If you currently have (or have had in the recent past) a total loss against such a policy and they did not pay the full stated amount, it is recommended you run (**do not walk**) to your nearest lawyer and show him this flyer. There is a possibility you may have grounds to recover the full amount. If you have a stated value policy and have not yet suffered a loss, it is suggested, in the strongest possible terms, that you **read it**,

paying particular attention to the section entitled "limits of liability." The words **STATED AMOUNT** on the declaration page is a red flag. Read the respective endorsement very carefully (in the case of Nationwide in Virginia, it is their Endorsement 2004 entitled "Family Automobile Policy - Stated Amount Insurance"). More than likely, it is based on ISO form E167 which states:

"The limit of the company's liability for loss shall be the lesser of:
(a) the stated amount shown in the Declarations,
(b) the actual cash value of the stolen or damaged property, or
(c) the amount necessary to repair or replace the stolen or damaged property."

Unless it is was written by one of the few companies issuing such policies, you probably will find the policy does not say the company will automatically pay the stated amount in the event of a total loss. In addition, discuss this with your agent immediately. Ask the following questions:

- 1) Will the policy, in fact, pay the stated amount in the event of a total loss?
- 2) If no, why did you buy it?
- 3) If yes, have him show you where it says that in the policy.
- 4) Will the company insure the same car under a standard indemnity policy?
- 5) If so, what would be the premium?
- 6) What additional consideration are you receiving by paying the additional premium?

Final Recommendations

The best recommendation was from an independent agent who admitted such policies were ripoffs when sold to those looking for a valued policy. He said the best thing a person can do is use the cheaper standard indemnity policy and maintain a portfolio on the car in question. Include a complete set of close up and detailed photographs, a current appraisal from someone qualified in that type of car (and does not sell them), and a collection of clippings from car magazines and newspapers showing the current market prices for cars of the same type and condition along with copies of all receipts related to the car.

Another alternative is to obtain insurance from one of the few companies writing valued types of policies. Only four such companies have been found to date: Central Mutual, Chubb, Midwestern Indemnity and Zurich-American.

Remember, have your agent show you, in writing, where it says the insurance company will pay the stated amount in the event of a total loss.

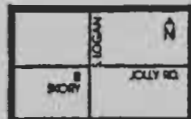
Those interested in learning more about ISO form 167 can write to the author and receive a free copy of his copyrighted white paper entitled "A Fraudulent Application of E167?" It details why the author considers E167 to be misleading when applied to classic and antique cars.

This flyer is being distributed in an effort to educate readers about "stated value" policies. Readers are urged to pass this on to others who might have such a policy. This flyer may be freely copied for any non-profit use.

SKORY

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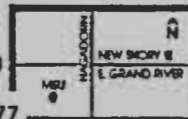
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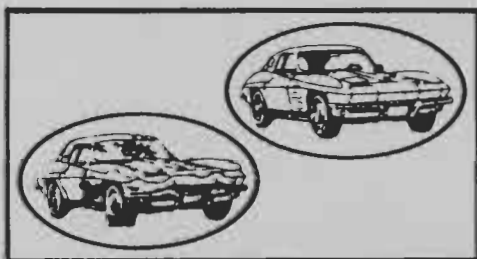
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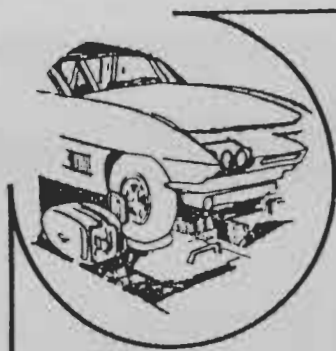
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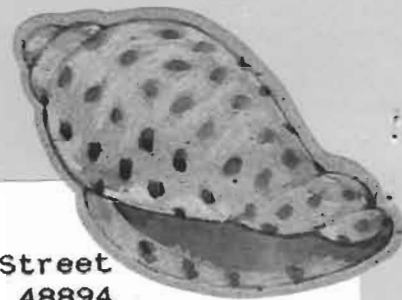
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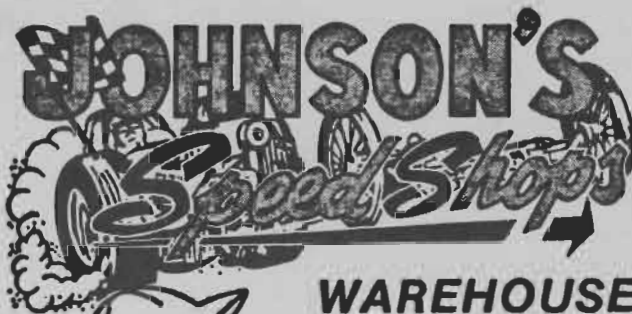
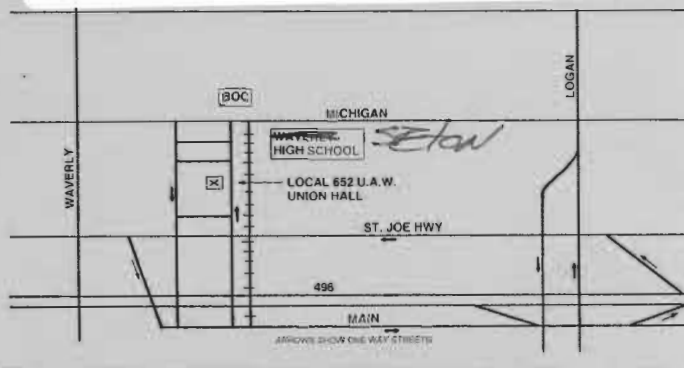
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